

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.5200 of 2016

R.Shanmugam

... Petitioner

Vs.

1.The District Collector,
Villupuram District,
Villupuram.

2.The Revenue Divisional Officer,
Collectorate, Villupuram.

3.The Tahsildar,
Taluk Office,
Villupuram.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 2nd respondent to dispose of the revision petition dated 08.10.2015 filed by the petitioner, within a time frame.

For Petitioner : Mr.D.Ravichandran

For respondents : Mr.R.A.S.Senthilvel, AGP

ORDER

This writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the 2nd respondent to dispose of the revision petition dated 08.10.2015 filed by the petitioner, within a time frame.

2.In the affidavit filed in support of the writ petition, it has been averred by the petitioner as follows:-

2-1.The property situated in S.No.784/2B, measuring acre 0.40 out of 0.42, at Villupuram Registration District, Valavanur Sub-Registration, originally belonged to the petitioner's father Rasu Udaiyar and he executed a registered Will in favour of the petitioner's mother Parvathy Ammal. On the death of the petitioner's father, petitioner's mother Parvathy Ammal had become the absolute owner of the property. The petitioner's

mother Parvathy Ammal had executed a lease agreement dated 10.06.2005 for an annual rent of Rs.500/- in favour of the petitioner and he is in possession of the property by virtue of the said lease. The petitioner has been regularly paying the rent which is endorsed in the lease deed itself. Thereafter, the lease was subsequently renewed by the deed dated 10.06.2009 and the rent was also increased to Rs.750/-.

2-2.While so, one Prabharakan, petitioner's brother's son, advised the petitioner's mother to forcibly dispossess the petitioner from the property. Hence, the petitioner filed a suit in O.S.No.74 of 2010 on the file of the learned Additional District Munsif, for injunction restraining the defendants from evicting the petitioner from the subject property without following the due process of law. After the demise of the petitioner's mother Parvathy Ammal, the petitioner filed an Interlocutory Application in I.A.No.714 of 2014 in O.S.No.74 of 2010 for bringing on record the legal heirs of the deceased Parvathy Ammal. The said application was initially dismissed by the trial Court, which was assailed by the petitioner in C.R.P.No.83 of 2015 before this Court. This Court by order dated 12.06.2015 allowed the said Revision and gave a direction to implead the legal heirs. While so, suppressing all those facts, the said Prabhakar approached the 3rd respondent seeking for patta. The 3rd respondent has also issued summons to the petitioner. Aggrieved by the same, the petitioner filed a revision petition before the 2nd respondent. Since the petitioner's revision petition was not considered by the 2nd respondent, the petitioner has come forward with the present writ petition before this Court.

3.Heard both sides and perused the materials available on record.

4.Considering the limited scope of the prayer sought for by the petitioner in this writ petition, without expressing any opinion on the claim made by the petitioner, this Court directs the 2nd respondent to consider the revision petition dated 08.10.2015 filed by the petitioner and pass appropriate orders, after affording opportunity of personal hearing to the petitioner as well as to all the necessary parties, if any, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of.
No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

SSV

To,

1.The District Collector,
Villupuram District,
Villupuram.

2.The Revenue Divisional Officer,
Collectorate, Villupuram.

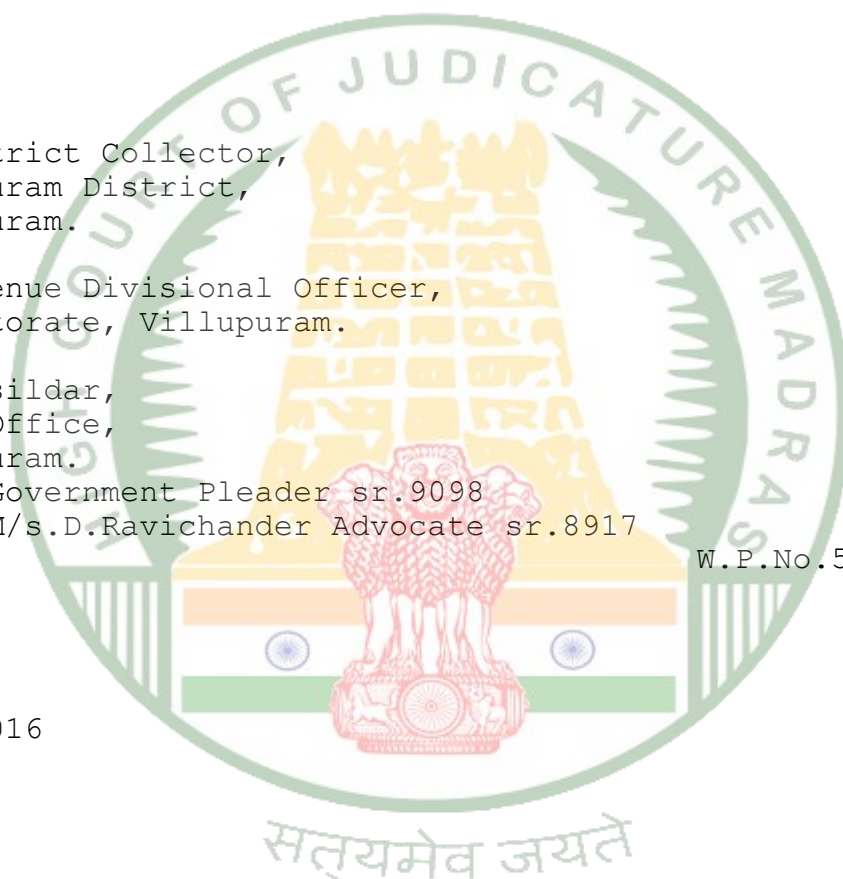
3.The Tahsildar,
Taluk Office,
Villupuram.

+1 cc to Government Pleader sr.9098

+1 cc to M/s.D.Ravichander Advocate sr.8917

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